

S.B.CRIMINAL MISC. BAIL APPLICATION NO.5602/2007
(Khiraj & Anr. vs. State of Rajasthan)

DATE OF ORDER : December 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Pritam Solanki, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Learned counsel for the petitioners submits that he does not want to press the bail application filed by petitioner No.1 Khiraj.

The bail application filed by petitioner No.1 Khiraj is, therefore, dismissed as not pressed.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that co-accused Surendra against whom, the allegation of causing injury by sharp edged weapon has been granted bail by Additional Sessions Judge, Hanumangarh, Headquarters Bhadra and the case of petitioner No.2 Sahiram is on better footing to that of co-accused Surendra.

It appears that Surendra caused the injuries by sharp edged weapon resulting in fracture of middle finger. Similar allegation is against petitioner No.2 Sahiram, who alleged to have caused injury on the ring finger by blunt object.

Having regard to the facts and circumstances of the case and the fact that co-accused Surendra has been granted bail and the case of petitioner No.2 Sahiram is on better footing to that of co-accused Surendra, I consider it just and proper to grant anticipatory bail to petitioner No.2 Sahiram.

Accordingly, the bail application filed by petitioner No.2 Sahiram under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Sahiram s/o Asharam in FIR No.552/2006, P.S. Nohar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

- (i) That he shall make himself available for interrogation by a police officer as and when required;
- (ii) That he shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

The petitioner No.2 Sahirram shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-